

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 12

April 4, 2003

SUBJECT: PUBLIC NOTIFICATION OF SEX OFFENDER INFORMATION

PURPOSE: On September 6, 1996, the California State Legislature enacted Assembly Bill (AB) 1562, California's version of the federal "Megan's Law." A portion of AB 1562 permits law enforcement agencies to disseminate certain information regarding registered sex offenders (Penal Code (PC) Section 290, subsections 290(m), 290(n) and 290.4). This Order establishes guidelines for the release of information regarding certain specified registered sex offenders.

PROCEDURE:

I. CATEGORIES OF SEX OFFENDERS - DEFINED

A. Serious Sex Offender. An individual convicted of at least one of the following charges: assault with intent to commit rape, oral copulation or sodomy; oral copulation; sodomy; rape; sodomy with a minor or by force; lewd or lascivious conduct with a child or a dependent adult; oral copulation with a minor or by force; continuous sexual abuse of a child; child molestation; penetration with a foreign object by force; kidnapping with intent to commit specified sex offenses; felony sexual battery; felony enticement of a child for purposes of prostitution; or, abduction of a child for purposes of prostitution.

B. High-Risk Sex Offender. An individual convicted of multiple violent crimes, at least one of which was a violent sex crime.

II. REGISTERED SEX OFFENDER ADVISORY, FORM 8.30.0 - ACTIVATED.

The Registered Sex Offender Advisory, Form 8.30.0, is activated.

A. Use of Form. This form is used to notify persons, entities, organizations, or the general public of a high-risk sex offender, or serious sex offender(s) they are likely to encounter.

B. Completion. The assigned Registration Enforcement and Compliance Team (REACT) or the Major Assault Crime (MAC) investigating officer shall complete the form.

C. Distribution.

- 1 - Original, Area commanding officer.
- 1 - Copy, Area detective officer-in-charge.

2 - TOTAL

III. AUTHORIZATION TO RELEASE "SERIOUS" SEX OFFENDER INFORMATION TO ADDITIONAL PERSONS, FORM 8.30.5 - ACTIVATED.

The Authorization to Release "Serious" Sex Offender Information to Additional Persons, Form 8.30.5, is activated.

A. Use of Form. This form is used to authorize persons and entities receiving information concerning high-risk or serious sex offenders, who need to disclose this information to additional persons.

B. Completion. The assigned REACT or MAC investigating officer shall complete the form. This form is not valid unless signed by the individual receiving the registered sex offender's information.

Note: Form 8.30.0 shall be completed prior to completing Form 8.30.5.

C. Distribution.

- 1 - Original, Area commanding officer.
- 1 - Copy, Area detective officer-in-charge.

2 - TOTAL

IV. DISCLOSURE OF INFORMATION REGARDING SERIOUS REGISTERED SEX OFFENDERS AND "HIGH-RISK" SEX OFFENDERS.**A. Applicable Penal Code Sections.**

- * Pursuant to Section 290(m)(1) PC: Certain information regarding serious registered sex offenders may be released to the public.
- * Pursuant to Section 290(n) PC: Certain information regarding "high-risk" sex offenders, as defined in

Section 290 (n) (1) (A) (i-v) PC, and 290 (n) (1) (B) - (I) PC, may be disclosed to the public.

B. Non-Releasable Information. The offender's exact residence or business address shall not be released without the approval of the Chief of Police.

V. PROCEDURE FOR THE RELEASE OF INFORMATION REGARDING SERIOUS SEX OFFENDERS AND HIGH-RISK SEX OFFENDERS. The approval of the Area commanding officer or his/her designee, shall be obtained before any information regarding any sex offender is released.

Note: In cases of exigent circumstances approval may be obtained by the watch commander.

A. Release of Information Regarding Serious Sex Offenders 290(m) (1) PC. The release of serious sex offender information will be decided after personnel assigned to an Area's REACT or MAC table (if there is not a REACT) have conducted an investigation and reasonably determined that an offender is "likely to encounter" a member of the public and put that person or their child "at risk."

B. Release of Information Regarding High-Risk Sex Offenders 290(n) PC. Information provided by the California Department of Justice on all "high-risk" sex offenders may be made public after it has been determined that the offender frequents, resides or is employed within the boundaries of a specific Area serviced by the Department.

Note: It is not necessary to apply standards of "likely to encounter" and "at risk" when considering the release of information regarding such offenders.

C. Method of Release. The method(s) employed in the release of information must be reasonable, relating to both the threat posed by the sex offender and the likely geographic proximity to potential victims. The disclosure may only be as broad as is necessary for the protection of the public. Once the Registered Sex Offender Advisory Form is completed, the following notifications or options should be considered:

- * Bulletins and/or maps (indicating the approximate location of an offender);
- * Community meetings (personal, door to door notifications);
- * Educational facilities, playgrounds, parks, and churches;
- * Other law enforcement agencies; and/or,
- * Media (press releases).

Exception: Information shall not be posted on the Internet.

D. Disclaimers. Per 290(m)(5) PC every disclosure pursuant to 290(m)(4) and 290(n)(3) PC shall state that, "The purpose of the release of the information is to allow members of the public to protect themselves and their children from sex offenders." Information released shall not include information that would identify prior victims.

E. Record Retention. Per 290(n) PC, "Agencies disseminating information to the public (i.e., high-risk sex offenders) shall maintain records of the means and dates of dissemination for a minimum of five years." This shall include all Preliminary Investigation Reports, Form 3.01 and the Follow-up Investigation, Form 3.14.

VI. PROCEDURE FOR THE RELEASE OF "SERIOUS" SEX OFFENDER INFORMATION TO ADDITIONAL PERSONS.

A. When personnel assigned to an Area's REACT or MAC table believe that persons and entities receiving information concerning high-risk or serious sex offenders (pursuant to 290 (m) (1) PC) need to disclose this information to additional persons, the officer/investigator shall:

- * Complete the Registered Sex Offender Advisory, Form 8.30.0;
- * Complete the authorization to Release Serious Sex Offender Information, Form 8.30.5; and,
- * Obtain approval from the Area commanding officer.

B. Authorization for further dissemination/disclosure regarding "serious" sex offenders shall only be given when the personnel assigned to an Area's REACT or MAC

table, acting on behalf of the law enforcement agency, determines that the third party receiving the information also satisfies the conditions set forth in 290(m)(1), 290(m)(2)(A-B) and (3)PC (i.e., "may be at risk," "likely to encounter").

Example: A principal of a school receives information regarding a serious sex offender and wants to advise the Parent Teachers Association of that information.

VII. IMMEDIATE RELEASE OF INFORMATION. Officer's

Responsibility. When an officer has reasonable suspicion based on information which has come to his/her attention that a person is "at risk" of becoming a victim of a sex offender convicted of a crime listed in 290.4 PC, and is likely to encounter that person, and circumstances exist that reasonably appear to present an immediate threat of risk to the public, with the approval of his/her supervisor, the officer may:

- * Verbally release the information to a potential victim who is 18 years of age or older. If the potential victim is a minor, release of the information shall be to the minor's parent/guardian; and,

Note: The officer/investigator making notification shall thereafter complete a PIR, entitled "Sex Offender Registrant Incident." The PIR should include the date, time, and location of the contact with the offender (if applicable), along with the circumstances that led the officer to reasonably suspect another person may likely encounter the sex offender. The name, address, and phone number of the reporting party (if applicable) should also be included.

- * Obtain a Division of Records (DR) number from records personnel and forward a copy of the PIR to the appropriate Area.

VIII. INVESTIGATING OFFICER'S RESPONSIBILITY. Certain investigative steps must be undertaken and background information regarding the offender's past offenses and current behavior shall be gathered prior to the release of information.

Public notifications are for the purpose of protecting the public, not a means of punishing the offender for past

crimes. All public notifications must comply with this intent.

The following is a list of minimum investigative steps that shall be completed prior to the release of information on any sex offender.

A. Investigative Steps For Offenders Falling Into The Category Of 290(m)(1) PC.

- * Document why the release is necessary to protect the public, i.e., there is "reasonable suspicion" based on information which has come to the Department's attention "that a person is at risk of becoming a victim of a sex offender" convicted of a crime listed in 290.4 PC, and that the offender is "likely to encounter that person", and "circumstances exist that reasonably appear to present an immediate threat of risk to the public."
- * Document the names of individual(s) that the sex offender is likely to encounter (e.g., neighborhood children or a woman if the suspect targets women).

B. Investigative Steps For Offenders Falling Into The Category Of 290(n) PC, High-Risk Offenders. Prior to disclosure of information under section 290(n) PC, the investigating officer shall reference, in the Follow-Up Investigation, Form 3.14, the applicable PC Sections to ensure that the offender falls within the criteria established for a "high-risk" offender.

Note: This list is not meant to be exhaustive, other investigative steps may be incorporated into the Follow-Up Investigation.

IX. AREA COMMANDING OFFICER'S RESPONSIBILITY. When an Area commanding officer becomes aware that a public release of sex offender information should be made he/she shall:

- * Ensure that a REACT or MAC investigator conducts a follow-up investigation to determine whether or not the offender is a sex offender as defined by 290(m)(1) or 290(n) PC, living, working, or frequenting locations within the Area's boundaries;

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Note: Priority should be given to assigning the follow-up responsibilities to the Area's REACT, as they have the greater expertise in this subject matter.

- * Determine if there is cause for the public release of information regarding that person, if the individual is a 290 (m) (1) PC offender;
- * Determine if permission should be sought from the Chief of Police to include the offender's exact residence or business address in the release of information;
- * Ensure the investigating officer completes the Registered Sex Offender Advisory, Form 8.30.0, if a public disclosure is initiated;
- * Ensure that the investigating officer coordinates the release of information and the distribution of the Registered Sex Offender Advisory, Form 8.30.0, with appropriate Department entities (i.e., chain of command, Media Relations, etc.) and the public; and,
- * Ensure that records regarding the release of sex offender information are tracked, readily retrievable, and kept on file for five years.

FORM AVAILIBILITY. The Registered Sex Offender Advisory, Form 8.30.0, and the Authorization To Release "Serious" Sex Offender Information To Additional Persons, Form 8.30.5, will be available for ordering from the Department of General Services, Distribution Center, in about 90 days. Copies of the forms are attached for duplication and use.

AMENDMENTS: This Order adds Sections 3/413.07, 5/8.30.0, and 5/8.30.5 to the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Detective Bureau, shall monitor compliance with this directive in accordance with Department Manual Section 0.080.30.

WILLIAM J. BRATTON
Chief of Police

Attachment

DISTRIBUTION "D"